

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHAEL J. DEARDOFF,

Petitioner,

Case No. 2:20-cv-10493
Hon. Victoria A. Roberts

v.

MICHELLE FLOYD,

Respondent.

**ORDER DENYING PETITIONER'S MOTION FOR IMMEDIATE OR EXPEDITED
CONSIDERATION [ECF No. 3]**

Michael J. Deardoff filed this habeas case challenging his 2018 Bay Circuit Court convictions for operating a motor vehicle while intoxicated – third offense. In the present motion Petitioner asserts that because his petition has merit, time he serves in prison awaiting relief will result in the irrevocable loss of liberty. In order to warrant immediate or expedited review of a habeas petition, a petitioner must demonstrate the existence of an independent basis for such consideration. See *Rein v. Socialist People's Libyan Arab Jamahiriya*, 162 F.3d 748, 756 (2d Cir. 1998). Petitioner has failed to demonstrate such a basis. He claims in his motion that the state court lacked jurisdiction to try him because of defects in the charging documents and warrant, but claims such as that are typically denied as non-cognizable on federal habeas review. See *Strunk v. Martin*, 27 F. App'x. 473, 475 (6th Cir., Nov. 6, 2001); *Nelson v. Jackson*, 2017 WL 5624278 at *2 (6th Cir., July 17, 2017).

Accordingly, Petitioner's motion for immediate consideration is **DENIED**.

s/ Victoria A. Roberts
Hon. Victoria A. Roberts
United States District Judge

Dated: 3/11/2020